



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO # 08-16

- ☒ **Preproposal Statement of Inquiry was filed as WSR 08-18-064 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:**

This proposal will update Chapter 173-423 WAC (Low Emission Vehicles) to incorporate by reference recent changes to California Clean Car regulations as required by RCW 70.120A.010. The update includes California's Environmental Performance label requirement, which fulfills the requirements of RCW 70.120A.050.

**Hearing location(s):**

**Olympia:**

Ecology Headquarters Building, Auditorium  
 300 Desmond Drive SE  
 Lacey, WA 98503

Date: December 9, 2008 Time: 7:00 PM

**Submit written comments to:**

Name: Neil Caudill  
 Address: P.O. Box 47600  
 Olympia, WA 98504-7600  
 e-mail [ncau461@ecy.wa.gov](mailto:ncau461@ecy.wa.gov)  
 fax (360) 407-7534 by (date) 5:00 PM December 16, 2008

**Assistance for persons with disabilities:** Contact

Tami Dahlgren at (360) 407-6830 by December 1, 2008

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

**Date of intended adoption:** January 14, 2009

(Note: This is **NOT** the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this proposal is to update Chapter 173-423 WAC (Low Emission Vehicles) to accomplish two things:

- (1) Incorporate by reference (IBR) recent changes to California Clean Car regulations to maintain consistency with the California motor vehicle emission standards, and
- (2) Incorporate by reference California's Environmental Performance (EP) label requirement which provides global warming (greenhouse gases) and smog emissions scores for new automobiles.

**Reasons supporting proposal:**

The Washington Legislature requires automotive emissions standards to be consistent with California low emission vehicles standards in Title 13 of the California Code of Regulations. The federal Clean Air Act allows states to opt into the California clean car program and requires that states who opt in maintain consistency with the California vehicle emission standards. RCW 70.120A.010 directs Ecology to "amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards." This rule-making will IBR the latest version of Title 13 of the California Code of Regulations into Chapter 173-423 WAC. The update includes California's EP label program, which also fulfills the requirements of RCW 70.120A.050.

**Statutory authority for adoption:**

RCW 70.120A.010 and RCW 70.120A.050

**Statute being implemented:**

RCW 70.120A.010 and RCW 70.120A.050

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**

10/15/08

**NAME** (type or print)

Polly Zehm

**SIGNATURE**

*Polly Zehm*

**TITLE**

Deputy Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: **October 20, 2008**

TIME: **9:56 AM**

**WSR 08-21-132**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

NA

**Name of proponent:** (person or organization)

Department of Ecology Air Quality Program

☐ Private

☐ Public

☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Neil Caudill	Lacey, WA	(360) 407-6811
Implementation....Neil Caudill	Lacey, WA	(360) 407-6811
Enforcement.....Neil Caudill	Lacey, WA	(360) 407-6811

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

☒ No. Explain why no statement was prepared.

These amendments meet the criteria of the exemption from analysis under RCW 19.85.025 which refers to RCW 34.05.310 (4)(e) which exempts language that is dictated by statute. The reason for this is that RCW 70.120A.010 requires Ecology to “amend the rules [adopting California clean car standards] from time to time to maintain consistency with the California motor vehicle emission standards and 42 USC 7507.” Ecology is following this requirement.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

☒ No: Please explain:

These amendments meet the criteria of the exemption from analysis under 34.05.328 (5)(v) which exempts language that is dictated by statute. The reason for this is that RCW 70.120A.010 requires Ecology to “amend the rules [adopting California clean car standards] from time to time to maintain consistency with the California motor vehicle emission standards and 42 USC 7507.” Ecology is following this requirement.